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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
8 SAN JOSE DIVISION

9 Acacia Media Technologies Corp.,

NO. C 05-01114 JW

10 Plaintiff,

**ORDER DENYING PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT**

11 vs.

12 New Destiny Internet Group, et al.,

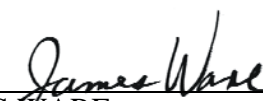
13 Defendants.

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15 And All Related and/or Consolidated Actions.  
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17 On October 29, 2008, the Court conducted a hearing on an Order to Show Cause why  
18 summary judgment should not be entered in favor of Defendants resulting from Plaintiff's motion  
19 for summary judgment against itself. (See Motion for Summary Judgment Pursuant to FRCP 56 on  
20 Acacia's Patent Infringement Claims and on Defendants' Counterclaims for Patent Invalidity,  
Docket Item No. 287.)

21 For the reasons stated on the record, the Court DENIES Plaintiff's Motion for Summary  
22 Judgment. The Court orders the parties to meet and confer and file a Stipulation with respect to a  
23 new briefing schedule for Defendants' pending motions for summary judgment. To the extent the  
24 parties cannot agree to a briefing schedule, the parties may file separate Statements. The parties  
25 shall file their Stipulation or separate Statements on or before **November 5, 2008**.

26  
27 Dated: October 30, 2008

28  
  
JAMES WARE  
United States District Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: October 30, 2008**

**Richard W. Wieking, Clerk**

By: /s/ JW Chambers

**Elizabeth Garcia**  
**Courtroom Deputy**